IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 2503 OF 2006

Mr. Hyder Gola ..Petitioner

Vs.

The State of Maharashtra and ors. ..Respondents

Mr. A.M. Saraogi for petitioner.
Mr. Y.M. Nakhawa, APP for State.
Ms. Sartaj Shaikh i/by Mr. R.B. Mungekar for respondent nos.2 and 4.

CORAM: B.H. MARLAPALLE, J.

Date : August 01, 2007.

P.C.:

1. Admittedly the process was issued on 21/1/2003 and for the first time the petitioner approached this court in December, 2005 invoking the inherent powers under Section 482 of Cr.P.C. and on 9/12/2005 the petitioner was permitted to approach the Sessions Court by filing a revision application. Consequently Criminal Revision Application No. 1789 of 2005 was filed along with an application for condonation of delay. By the impugned order dated 17/10/2006 the application for condonation of delay has been rejected

stating that the petitioner could not explain satisfactorily the delay caused of 1290 days.

2. The learned counsel for the original complainant states that the trial has already commenced and the recording of evidence of complainant is over. Hence there is no reason to entertain this petition when the trial has already commenced and all the issues raised by the petitioner in deciding the order of process would be gone through by the trial court while considering the complaint on merits on the basis of the evidence that may be adduced by the parties.

3. Petition is rejected.

(B.H. Marlapalle,J.)